

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

MECHANICAL CONSTRUCTION	:	Case No. 3:21-cv-00302-WHR-SLO
MANAGERS, LLC d/b/a RIECK	:	
SERVICES	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
Plaintiff,	:	
	:	
v.	:	AGREED JUDGMENT ENTRY OF
	:	DISMISSAL
	:	
KEVIN PASCHKA, <u>et al.</u>	:	
	:	
Defendants.	:	

The Verified Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and Damages (“Original Complaint”) in the above-captioned matter (“Litigation”) was filed by Plaintiff Mechanical Construction Managers, LLC d/b/a Rieck Services (“Plaintiff”) on or about November 4, 2021 against Defendants Kevin Paschka (“Paschka”) and Industrial Reliability and Repair, LLC d/b/a Honhorst Services (“Honhorst”, and together with Paschka, “Original Defendants”). Thereafter, Plaintiff filed its First Amended Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and Damages (“Amended Complaint”, and together with the Original Complaint, collectively the “Complaint”) on or about January 7, 2022 against the Original Defendants and Defendant Mark Cunningham (“Cunningham”, and together with the Original Defendants, collectively the “Defendants”).

Paschka filed his Answer and Counterclaim in response to the Original Complaint (“Original Paschka Counterclaim”) in the Litigation on or about December 17, 2021 against Plaintiff. Thereafter, Paschka filed his Answer to Amended Complaint and Counterclaim (“Amended Paschka Counterclaim”, and together with the Original Paschka Counterclaim,

collectively the “Paschka Counterclaims”) in the Litigation on or about January 27, 2022, and as amended on March 4, 2022, against Plaintiff.

Honhorst filed its Answer, Counterclaim and Jury Demand in response to the Original Complaint (“Original Honhorst Counterclaim”) in the Litigation on or about December 17, 2021 against Plaintiff. Thereafter, Honhorst filed its Answer, Counterclaim and Jury Demand in response to the Amended Complaint (“Amended Honhorst Counterclaim”, and together with the Original Honhorst Counterclaim, the “Honhorst Counterclaims”) in the Litigation on or about January 27, 2022, and as amended on March 7, 2022, against Plaintiff.

Cunningham filed his Answer to the Amended Complaint (the “Cunningham Answer”) in the Litigation on or about February 16, 2022. The Paschka Counterclaims, the Honhorst Counterclaims and the Cunningham Answer are collectively referred to as the “Counterclaims”.

By agreement of the parties, this matter is settled and Plaintiff and Defendants confirm their agreement as to the settlement to the Court as follows:

1. In the Complaint and the Counterclaims, the parties in the Litigation asserted several claims and theories for relief against one or more of the rest of them.
2. The Plaintiff and the Defendants agreed via a certain Settlement Agreement and Release (the “Settlement Agreement”), by and amongst themselves, to settle the Litigation and release any and all claims which were, or could have been, asserted against each other in this Litigation, whether actually made in the Complaint or the Counterclaims or not.
3. In light of the execution of the Settlement Agreement, Plaintiff agrees to dismiss, with prejudice, the Complaint asserted against the Defendants in the Litigation.
4. In light of the execution of the Settlement Agreement, Defendants collectively agree to dismiss, with prejudice, the Counterclaims asserted against Plaintiff in the Litigation.

5. The parties agree that this settlement disposes of all claims contained in the Complaint or the Counterclaims.

6. The parties, respectively, agree to bear their own costs, attorney fees, and expenses.

7. The Complaint and the Counterclaims of and against the Plaintiff and the Defendants are hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

 (tp - per Judge Rice
authorization after his review)
District Judge Walter H. Rice

Approved by:

/s/ Glen R. McMurry

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